



**“EXHIBIT G”**

**ORDINANCE NO. 253**

**“AN ORDINANCE APPROVING AND CONFIRMING THE PROCEEDINGS HAD AND TAKEN IN CREATING AND ESTABLISHING LOCAL SEWERAGE IMPROVEMENT DISTRICT NO. 1, OF THE CITY OF REXBURG, MADISON COUNTY, IDAHO, AND IN MAKING THE ASSESSMENT FOR THE CONSTRUCTION OF SEWERAGE IMPROVEMENTS AND OTHER INCIDENTAL IMPROVEMENTS THEREIN; APPROVING AND CONFIRMING THE ASSESSMENT ROLL PREPARED BY THE CITY ENGINEER AND COMMITTEE ON STREETS, AND THE ASSESSMENT LEVIED BY VIRTUE THEREOF ON THE PROPERTY IN SAID LOCAL SEWERAGE IMPROVEMENT DISTRICT NO. 1, AND PROVIDING FOR THE PAYMENT OF SUCH ASSESSMENT IN TEN (10) EQUAL ANNUAL INSTALLMENTS, TOGETHER WITH INTEREST AT THE RATE OF SIX (6) PER CENTUM PER ANNUM; PROVIDING FOR THE FORECLOSURE OF THE LIEN AGAINST AND SALE AND PURCHASE OF PROPERTY IN SAID IMPROVEMENT DISTRICT UPON WHICH ANY OF SAID SPECIAL ASSESSMENTS SHALL HAVE BECOME DELINQUENT; REPEALING ALL ORDINANCES AND RESOLUTIONS, OR PARTS THEREOF, IN CONFLICT HERewith, AND DECLARING AN EMERGENCY.”**

WHEREAS, Heretofore and on the 2<sup>nd</sup> day of October, A.D. 1919, there was passed and approved by the mayor and city council of the city of Rexburg, Ordinance No. 235, wherein and whereby Local Sewerage Improvement District No. 1, of the city of Rexburg, was created for the purpose of constructing a sewerage system therein; and

WHEREAS, In pursuance of said ordinance and as required by the laws of the state of Idaho, there was prepared by the city engineer and committee on streets an assessment roll assessing against each lot and parcel of land within said Local Sewerage Improvement District No. 1, its proportionate share of the cost of making said improvements, and said assessment roll was filed in the office of the city clerk on the 1<sup>th</sup> day of June, A.D. 1920, and

WHEREAS, In form, time, and manner, as required by law, the city clerk did give notice of filing of said assessment roll, of the time within which protests against the same might be filed, and stating the time when and place where the city council would meet to consider said protests; and

WHEREAS, Each and all of the proceedings in the making of the assessment for the cost of the creation and organization of Local Sewerage Improvement District No. 1 of the city of Rexburg, and the construction of a sewer system therein have been and are regular and in due form of law according to the statutes of the state of Idaho, and the assessment roll prepared by the city engineer and the committee on streets, for the assessment of the property in said Local Sewerage Improvement District No. 1, of the city of Rexburg, is found to be correct and in accordance with the constitution and statutes of the state of Idaho.

Now, Therefore, By Reason of the Premises,

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

**SECTION I:** That the assessment roll prepared by the city engineer and the committee on streets of said city, and filed with the city clerk on the 11<sup>th</sup> day of June, A.D. 1920 and all proceedings of said mayor and city council of said city, and said city engineer and committee on streets in making such assessment, be, and the same, are, hereby approved and confirmed, and the regularity, validity, and correctness of said assessment to the amount thereof levied on each lot, piece, or parcel of land in Local Sewerage Improvement District No. 1, of the city of Rexburg, as described in said assessment roll, shall be and is finally determined, and said assessment shall be and is hereby levied upon and declared a lien against all the property situated in said improvement district, as described and contained in said assessment roll, as and to the amount set forth in said assessment roll; and it is hereby determined and declared that each piece or parcel of property named in said assessment roll is benefited by said improvement to the full amount of said assessment against such piece or parcel of property.

**SECTION II:** That the assessment levied against the lots, pieces, or parcels of land in said Local Sewerage Improvement District No. 1 may be paid in ten (10) equal annual installments, the first installment to fall due on and become delinquent immediately after the fourth Monday in December, A.D. 1920, together with interest on all unpaid installments at the rate of six (6) per centum per annum, and such installments of said assessment, together with the interest thereon, shall be collected in such manner as shall be provided by law and the charter and ordinances of the city of Rexburg, Idaho.

**SECTION III:** The owner or owners of any lot, piece, or parcel of land charged with any assessment for the improvements made in said Local Sewerage Improvement District No. 1 of the city of Rexburg, may redeem the same from all liability for such assessment by paying the entire assessment charged against such lot or parcel of land, without interest, within thirty (30) days after the first publication of the notice to home of such assessment given by the city treasurer, by publication in the official newspaper of said city for two consecutive weekly issues.

**SECTION IV:** The owner or owners of any lot, piece, or parcel of land charged with any such assessment, may redeem the same from all liability for such assessment at any time after said thirty (30) days by paying all the installments of the assessments which have been levied and remain unpaid, and also the amount of all the installments levied or unlevied and remaining to be paid, with interest at the rate of six (6) per centum per annum from thirty (30) days after the date of the first publication of said notice by said city treasurer to the time of maturity of the last installment of said assessment.

**SECTION V:** And 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 placed on the tax roll for collection, subject to the penalty and collected in the same manner as other city taxes for said city of Rexburg.

**SECTION VI:** That the mayor and city council of said city of Rexburg may issue, in the name of said city, improvement bonds of Local Sewerage Improvement District No. 1 of the city of Rexburg, none of which bonds shall run longer than ten (10) years, nor bear interest exceeding six (6) per centum per annum, and the issuance of which bonds shall be provided for in an ordinance to be hereafter adopted by this council.

**SECTION VII:** That in case any installment or installments of the special tax levied against any property or parcels of land in said Local Sewerage Improvement District No. 1, by this ordinance or by any amendment or amendments thereto, shall become delinquent said city of Rexburg shall and will commence, file, and diligently prosecute a suit in a court of Competent jurisdiction to foreclose any and all lien, or liens, created by said special tax levy, and the said city shall take all necessary steps in said suit to procure a decree and judgment of foreclosure and sale of the property and parcels of land so subject to foreclosure and sale. The city clerk of the city of Rexburg shall be present at any such sale and shall, for and on behalf of the city of Rexburg, bid and offer to pay for said property or parcels of land a sum of money equaling the said delinquent installment, or installments, of the special tax mentioned in this ordinance, together with all interest

and penalties thereon, and all costs of such suit, foreclosure and sale. In case such bid or offer of the said city be accepted and the property or parcels of land be awarded and sold to the city of Rexburg, then and in such event the city clerk shall draw a warrant on the city treasurer for the amount of such bid, and in favor of any payable to the proper person or officer conducting the sale, and shall take a deed, or deed, to said property or parcels of land in the name of the city of Rexburg, as grantee, and the said person or officer conducting said sale shall thereupon present such warrant for payment, and the city treasurer shall promptly pay the same out of the general fund of said city, and the proceeds of such sale to the amount of the delinquent installment, or installments, of said special assessment, together with all interest and penalties thereon, shall be deposited in the fund hereby created to be known as "Local Sewerage Improvement District No. 1 Bond, Interest, and Sinking Fund," and said city treasurer shall apply the same to the payment of the principal and interest of the said improvement district bonds, which may then be or thereafter become due. The city shall hold such property or parcels of land and use the same for any purpose authorized by law, or the said city may sell the same and apply the proceeds of such sale in the manner provided by law.

**SECTION VIII:** That all ordinances, resolutions, and orders, or parts thereof, in conflict herewith, are hereby repealed, and this ordinance shall be in full force and effect immediately after its passage and publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL THIS 15<sup>TH</sup> DAY OF JULY, A.D. 1920.

JOHN L. BALLIF, JR.  
Mayor

(SEAL)

ATTEST: RAY D. GARNER  
City Clerk

“EXHIBIT H”

STATE OF IDAHO )  
COUNTY OF MADISON ) SS.  
CITY OF REXBURG )

I, \_\_\_\_\_, the undersigned being first duly sworn, upon oath depose and say:

1. That I am one of the publishers of the "The Rexburg Journal", a weekly newspaper printed and published in the city of Rexburg, in Madison County, Idaho, and having a general circulation therein, and being the official newspaper thereof.
2. That Ordinance No. \_\_\_\_\_ of said city of Rexburg, Passes and approved \_\_\_\_\_, A.D. 1920, of which the attached is a true clipping, was published in the \_\_\_\_\_, A.D. 1920, issue of said newspaper, and not in any supplement thereof.

3. That said newspaper has been printed and published weekly in said city of Rexburg, and continuously and uninterruptedly therein for more than 78 weeks prior to the publication of said ordinance.

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SUBSCRIBED AND SWORN TO Before me, in the city of Rexburg, in Madison County, Idaho, this \_\_\_\_\_ Day of \_\_\_\_\_, A.D. 1920.

My Commission expires\_\_\_\_\_.

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Notary Public for the State of Idaho, residing  
At Rexburg, In Madison County.